

# **BOARD OF DESIGN REVIEW MINUTES**

**June 8, 2000**

**CALL TO ORDER:** Chairman David Williams called the meeting to order at 6:47 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

**ROLL CALL:** Present were Chairman David Williams; Board Members Hal Beighley, Renee Cannon, Anissa Crane, Monty Edberg and Stewart Straus. Board Member Walter Lemon III was excused.

Senior Planner John Osterberg, Associate Planner Colin Cooper, AICP, Planning Consultant John Spencer, AICP, Transportation Planner Sean Morrison and Recording Secretary Sandra Pearson represented staff.

## **VISITORS:**

Chairman Williams read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

## **OLD BUSINESS:**

## **CONTINUANCES:**

Chairman Williams opened the Public Hearing and read the format of the meeting. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

Observing that the firm he is employed by had been involved in the Meridian Village Project, Mr. Edberg requested to abstain from participating in the Public Hearing to consider BDR 2000-0057 – Meridian Village Residential and Retail Development – Type 3 Design Review.

## **NEW BUSINESS:**

A. **APP 2000-0005 – APPEAL OF PARK PLAZA WEST LANDSCAPE MODIFICATIONS APPROVAL:**

The Planning Director's decision to approve land use decision BDR 2000-0058 has been appealed. The development proposal is located at 10700 SW Beaverton Hillsdale Highway, on Assessor's Map 1S1-15Ad, and on Tax Lot 1100. The site is zoned Community Service (CS), and is approximately 2.17 acres. This appeal is of the Planning Director's approval of the Request for landscape modifications and the addition of parking lot striping. The landscape modifications include the removal of juniper plants at the entry of the facility and the replacement with grass. The modification also includes the addition of a yellow demarcation line, which has been added to define the separation of parking area by different tenants and users of the parking lot. The appeal specifically addresses the yellow demarcation line location.

Senior Planner John Osterberg observed that the applicant has requested a continuance on this issue for an indefinite period of time.

Mr. Beighley **MOVED** and Ms. Cannon **SECONDED** a motion that APP 2000-0005 – Appeal of Park Plaza West Landscape Modifications Approval be continued for an indefinite period of time.

Motion **CARRIED**.

Mr. Osterberg observed that of the three public hearings that remain, two of which have been submitted by same applicant team. Noting that the BDR 2000-0057 – Meridian Village Residential and Retail Development Type 3 Design Review is scheduled last, he recommended determining whether to hear it before BDR 2000-0004 – Haggen Store Type 3 Design Review and BDR 2000-0005 – Sexton Place Townhomes Type 3 Design Review, which are scheduled next.

Chairman Williams noted that he has received six yellow cards from members of the audience wishing to testify on the Meridian Village Project and five cards he received don't specify on which project the individual wishes to testify. Following a discussion, it was determined that starting with the Sexton Mountain/Haggen Store Projects will most likely prevent the Board from hearing the Meridian Village Project tonight, although all these projects fall under the jurisdiction of the 120-day rule.

Associate Planner Colin Cooper advised Chairman Williams that the Meridian Village Project is on the 56<sup>th</sup> day of the 120 days, adding that no waiver of continuance has been provided. He pointed out that although only five individuals are present to testify on this issue, this is not necessarily a simple application. Noting that continued items are generally heard first, he observed that there are numerous factors to consider.

Chairman Williams stated his intention of hearing the items as they are listed on the agenda, adding that it is entirely possible that the Board will not have sufficient time to hear the Meridian Village Project tonight.

Mr. Cooper recommended that Chairman Williams request a continuance from the applicant of the Meridian Village Project, under the understanding that it will be necessary to obtain an extension of the 120-day rule to a date certain hearing. He noted that the next available dates are June 22, 2000 and July 13, 2000, at which point the applicant team took the opportunity to discuss this situation among themselves.

**B. BDR 2000-0057 – MERIDIAN VILLAGE RESIDENTIAL AND RETAIL DEVELOPMENT – TYPE 3 DESIGN REVIEW:**

The following land use application has been submitted for a mixed use residential and retail development. The development is proposed to be located on the north side of Baseline Road between SW 170<sup>th</sup> Avenue and SW 173<sup>rd</sup> Avenue, on Assessor's Map 1S1-06Ac, on Tax Lot 600 and on Assessor's Map 1S1-06Ad, on Tax Lot 14600. This site is zoned Station Community-High Density Residential (SC-HDR). The request for Design Review approval is a mixed-use residential and retail development to include 65 townhomes, 12 single-family cluster units on individual lots, and three buildings containing approximately 8,700 square feet of speculative retail or office space with 12 residential lofts above the speculative space.

**JERRY OFFER**, representing OTAK, 17355 Boones Ferry Road, Lake Oswego, OR, on behalf of Emerald Development, commented that the applicant is willing to request a continuance until July 13, 2000, conditioned upon granting an extension of the 120 day limit for an additional thirty days.

Chairman Williams expressed his appreciation to the applicant, and Mr. Straus emphasized that this application should be the first item on the agenda on that date.

Mr. Beighley **MOVED** and Ms. Cannon **SECONDED** a motion to continue BDR 2000-0057 – Meridian Village, until a date certain of July 13, 2000.

Motion **CARRIED** unanimously.

Observing that he will retain tonight's yellow cards for that night, Chairman Williams requested that anyone who wishes to provide testimony sign in again at that time, and extended an invitation to remain for the next Public Hearing.

7:00 p.m. – Mr. Cooper left.

**A. SEXTON MOUNTAIN VILLAGE:**  
(Continued from May 25, 2000)

The following land use applications have been submitted for the development of a grocery store approximately 61,000 square feet in size and approximately 94 townhomes at the northwest corner of SW Murray Boulevard and SW Beard Road. The zone change and development proposal is located on property identified by Washington County Assessor's Map 1S1-29DD on Tax Lots 100 and 200, and is currently zoned Urban Standard Residential (R-5).

1. **BDR 2000-0004 – HAGGEN STORE TYPE 3 DESIGN REVIEW:**

The applicant requests Design Review approval to develop a grocery store approximately 61,000 square feet in size, including building, landscape, street, parking lot, and lighting design.

2. **BDR 2000-0005 – SEXTON PLACE TOWNHOMES TYPE 3 DESIGN REVIEW:**

The applicant requests Design Review approval to develop approximately 94 townhomes, including building, landscape, street, parking lot, and lighting design.

Observing that the Planning Commission had conducted one Public Hearing at which time they had reviewed seven applications concurrently regarding this project, Mr. Osterberg observed that the Board of Design Review has the option of reviewing these applications concurrently or separately.

Following a brief discussion, it was determined that the applications would be heard concurrently. Mr. Straus emphasized that any individual providing testimony must clearly stipulate which of the two projects is being addressed.

Mr. Osterberg presented the Staff Reports, discussed the background information and provided information on the status of the related projects which had been approved by the Planning Commission on Thursday, June 1, 2000. Observing that the seven land use orders had been approved and prepared, and are scheduled to become final and be mailed on Friday, May 9, 2000, at which time the required ten day appeal period will officially begin. He pointed out that while the Planning Commission had not approved the 24-hour operation conditional use permit, they had granted extended hours from 6:00 a.m. until 12:00 Midnight. He discussed conditions of approval for the Sexton Mountain Planned Unit Development required by the Planning Commission, specifically the addition of two separate left turn lanes, one on Murray Boulevard and one on Beard Road; and the change of the design of the pedestrian connection of the Murray Boulevard sidewalk. There had been concern with vehicles utilizing Murray Boulevard as a potentially dangerous pickup and drop-off point for pedestrians. The Planning Commission had also required the enclosed loading dock and made a recommendation to the Board of Design Review for appropriate signage prohibiting parking in certain areas to allow for the passage of public safety vehicles.

Mr. Osterberg discussed the Staff Report for BDR 2000-0004 – Sexton Mountain Village -- Haggen Store Type 3 Design Review, and summarized the applicant's proposal for the project, which includes a substantial amount of mitigation for noise and other impacts to the residents to the west, along 145<sup>th</sup> Avenue. The proposal includes berming, an approximately 50-foot wide buffer, an enclosed covered loading dock and specially designed screening around the HVAC systems, which will provide both visual and auditory screening.

Mr. Osterberg discussed the Staff Report for BDR 2000-0005 – Sexton Mountain Village – Sexton Place Townhomes Type 3 Design Review, observing that this proposal for 94 units includes a variety of colors and materials while providing consistency as well as individuality. He referenced the two materials boards being passed around for this project, and discussed the unique choice of street trees included. On one side of one street, Armstrong Maple Trees have been proposed, while the other side provides Bull Hall Maple Trees. He requested that the Board consider whether the trees should be uniform on both sides of the street, observing that this is the staff recommendation, unless some specific design purpose is submitted clarifying the rationale for the difference.

Mr. Osterberg advised that both applications meet applicable criteria, noting that the Board does have some latitude to grant flexibility and that staff recommends approval of both applications.

Mr. Straus referred to the Planning Commission's recommendation regarding signage, specifically whether this basically indicates no parking signs, red painted curbing or other indications of areas that are not appropriate for parking purposes. He observed that this encompasses a great deal of the site, expressing his opinion that most individuals generally possess some common sense on these issues.

Mr. Osterberg informed Mr. Straus that the Planning Commission had reviewed Tualatin Valley Fire & Rescue's very specific comments, emphasizing that these are recommendations, rather than conditions of approval. He advised that signage issues are included in several manuals, adding that there should be no concern, although he felt an obligation to explain the situation.

### **APPLICANT:**

**JOEL GORDON**, 1011 Western Avenue, #902, Seattle, WA 98104, Director of Development representing Haggen/Briar Development Company, stated that he intends to introduce the projects in an overview context, followed by Brian Krannitz, the Design Architect, who will present the majority of the presentation for the Haggen Store project. He apologized for the overwhelming amount of materials connected with the projects, describing these applications as two pieces of a very complicated puzzle the applicant has been working on for approximately five years, adding that a number of applications are interrelated, for a variety of reasons. He explained the background and origin of the entire project, observing

that the applicant had exercised certain options on surrounding property to make certain that the economic impact of the zoning change would be absorbed by the applicant, rather than a third party. He discussed the processes involved in these projects, observing that the City Council had conditioned the applicant's Comprehensive Plan approval, providing that the commercial use at that location would be a commercial grocery store. A sunset clause was also added to provide that if acceptable applications to fulfill the intentions of the City Council were not submitted within a certain period of time, the property would revert back to the original plan designations. In January 2000, the applicant had submitted nine different applications designed to fulfill the City Council's intent, all of which are both independent and interrelated. He pointed out that in order to commit to purchase all necessary properties, the applicant needs to be certain that all major land use approvals for all of these projects are in place. He commented that the applicant has initiated numerous public hearings, including dozens of community meetings (more than 50 at last count), and received a great deal of design input through that community process, resulting in design solutions that address numerous concerns. He described the four nights of Public Hearings with the Planning Commission, as well as how the applicant proposes to address additional conditions that have been imposed.

**BRIAN KRANNITZ**, representing Krannitz Gehl Architects, 765 NE Northlake Way, Seattle, WA 98105, commented that he would like to focus on providing a general walk-through the site, described elements included in the building design, and displayed illustrations of a similar store in Mount Vernon, Washington. He explained that the concept for the store is to provide a design that provides a sense of place – a neighborhood node, energized by the notion of multiple uses and a unique northwest shopping experience, with a timeless quality that is meaningful, pedestrian-friendly and has a true sense of permanence. He described components of the store, including the main entry, arcades to the left and the right, a food court, a parcel pickup area and an office mezzanine. He described the materials and colors, noting that they are selected for their warm, natural qualities, adding that the windows are individual to provide scale and reference residential topography. Painted steel headers and awnings weave through the design to visually tie the components together. He illustrated the elevations of the proposal, observing that the pitched roof identifies entry and is reflective of residential forms, and that the horizontal nature of the store is balanced by vertical columns at the arcade. These are continued down the sides and to the rear of the building, to break down the mass and provide articulation and definition. He emphasized the commitment to quality, maintained even at the rear of the store, and described the loading dock enclosure, which is not simply a painted concrete block wall. He described weaving the store into the fabric of the neighborhood, noting that the site plan design positions the store to take full advantage of the sloping nature of the site. This provides an enhanced pedestrian experience, while minimizing impacts to the neighborhood. The building is excavated and sunken into the hillside of Sexton Mountain, utilizing the mountain to screen the store while preserving it as a natural landmark. Primary access is from the intersection

of Murray Boulevard and Maverick Terrace, with a new public street between the store and the townhomes providing a right in and right out secondary access point and linkage to Beard Road. An internal gridlike system of streets and sidewalks weaves the project together, effectively linking the store, townhomes, public streets, and neighborhood fabric, creating a safe and efficient circulation pattern within the site. The storefront is designed to encourage pedestrian activity, including continuous sidewalks on both sides of the internal street, an outside café seating area, bicycle racks and arcades. Extensive landscaping is provided along an elevated berm, consisting of a variety of coniferous trees, planted in rows of two and three groves deep, and off center, creating a dense screen that virtually saturates the top of the berm. A maintenance and fire access road is located at the back of the store. The trees will be fifteen feet tall at planting, and existing vegetated ground cover will be preserved. He concluded his presentation, emphasizing that the proposal successfully integrates the store into an interconnected circulation framework, creating a true sense of place that is sensitive to and compatible with the surrounding neighborhood.

Mr. Straus referred to a major walkway from the entry of the store out to Murray Boulevard, specifically some modification of the design along Murray Boulevard to prevent pickup of passengers. He requested clarification of the benefit or the significance of that walkway, questioning whether it might encourage use as a pickup in spite of the fact that it is not designed for that purpose.

Mr. Gordon advised Mr. Straus that the pedestrian walkway serves as a primary spine to the parking area, adding that it had been designed to connect with the public sidewalk. He mentioned that the concern raised by a member of the Planning Commission involved whether this walkway would create too inviting a place for vehicles to pull over to drop someone off, although this particular maneuver is both illegal and dangerous. The proposed solution to the design had been to move the sidewalk from being curb tight back five feet, with a planting strip in between, planted with shrubs that would discourage people from crossing the area. He mentioned several other potential options, including not connecting the walkway through, which would defeat the purpose of pedestrian connectivity. Another option would be to move the sidewalk back from the curb and add some plantings, which has been submitted in the supplemental design, adding that this option should still serve the function of pedestrian connectivity.

Mr. Straus questioned the existence of other alternatives for the pedestrian connection if that one were eliminated.

Mr. Gordon clarified that this would still run all the way through to the sidewalk, although the sidewalk is moved in from the curb at Murray Boulevard.

Mr. Straus pointed out that five feet of planting, even cactus, would be considered a shortcut by some individuals. He suggested some type of more positive than

simple landscape materials, to prevent use of this area as a drop off, suggesting that shifting the sidewalk may not be an adequate solution.

Mr. Gordon advised Mr. Straus that the applicant is open to alternate design solutions, although he is not certain of the magnitude of this particular problem. He emphasized that staff had not been concerned, the county had not been concerned, and the design intent is not to provide something that is attractive for people to walk through.

Ms. Crane referred to the sidewalk, specifically if a vehicle could drive through there and whether it is raised in the middle.

Mr. Gordon informed Ms. Crane that a vehicle could drive through the area, adding that although the sidewalk is not raised, it is a different texture.

Ms. Crane questioned whether the area where the vehicles park will be raised, and Mr. Gordon advised her that it would.

**FRED GAST**, 2700 Northeast Andresen Plaza, Suite D-22, Vancouver, WA 98661, Residential Developer representing Polygon Northwest, discussed the historical perspective for this project and numerous neighborhood meetings. He described the City Council's designation of Alternate "A", and the Planning Commission's approval of the Planned Unit Development. He discussed the applicant's perspective of their approach to the site, observing that they essentially work from outside to inside in their creation of a concept for the site. He mentioned that this particular site includes multi-family development to the south, a single-family neighborhood directly to the west, the Haggen Store to the north and Murray Boulevard on the east side. The applicant was obligated for multi-family development, and they had decided on a for sale development, while providing sensitivity and consideration for single-family residences to west. He mentioned that the site did not have a great deal of internal resources, although it did include a 463-foot wetland, which they intend to fill.

Mr. Gast described the 94-unit condominium development, which includes both flats and townhomes, adding that it is primarily based on this looped street system. Focal points have been created at each entry, providing immediate green upon entering the site. He mentioned that one of the greatest challenges of this site was effectively dealing with external criteria. He provided an illustration of a worst case scenario, indicating a minimum setback built into property line, building to building, while the nearest home to townhome is 160 feet. He discussed the planting median and proposed plant material, an evergreen coniferous, which will provide a rather thick buffer.

Mr. Gast explained that in order to reduce the number of retaining walls needed on the property, the applicant had created three-story townhomes, which includes parking with two stories on top. Water quality facilities are located at the corners,



providing additional buffering from Murray Boulevard. These facilities will be heavily landscaped, creating more of a positive amenity, rather than a hole in the ground. He discussed the parking situation, observing that the applicant has provided more than two spaces per unit, and that parallel spaces are planned to provide seventeen additional parking spaces for visitors. The site will include a total of 196 parking spaces, and each unit will have at least one internal parking space. With no internal amenity on which to build the project around, open space and landscaping is very important, and the proposal includes in excess of 150% of the required open space, with 3500 shrubs and 470 trees.

Mr. Edberg mentioned that this project features a lot of retaining wall, including a few pretty good drops, and expressed his concern with the potential hazard for falling.

Observing that Mr. Edberg had made an excellent point, Mr. Gast pointed out his greatest area of concern, adding that these areas will all be fenced, as required by the City Development Code.

Mr. Straus expressed concern with garbage collection.

Mr. Gast advised Mr. Straus that all garbage collection will be handled internally, pointing out that the bins are stored within the garages and placed outside on collection days.

8:00 p.m. – 8:10 p.m. – break.

Chairman Williams explained the guidelines for public testimony on this issue, emphasizing that the time will be limited to four minutes per person.

#### **PUBLIC TESTIMONY:**

**STEVE SANDERS**, 15220 SW Emerald Street, Beaverton OR, testified in support of the applications. He mentioned that he had been working with the applicants for three or four years and as Co-Chairman of the Rezone Committee had been very involved in the entire process. He noted that there had been in excess of 50 meetings with various neighborhood groups, allowing for tremendous neighborhood involvement and input into the design elements. He referred to Board of Design Review criteria a, b, g and h, expressing his opinion that both the store and the townhomes integrate very well into the neighborhood. He described a strong working relationship between the store and the townhomes, adding that Alternate “A” is the desired alternative and a great compliment to the store. He discussed the mitigation programs, involving separate meetings, dealing with noise mitigation and the visual aspects. He emphasized the great deal of input on the part of the neighborhood, adding that the applicant has gone to great lengths to satisfy all issues. He expressed his opinion that the applicant has shown extreme sensitivity to neighborhood needs, add that this application has

been beaten to death. On question, he informed Mr. Straus that his residence is a few hundred feet from the proposed store and that he did not live here at the time of the previous application for this site.

Mr. Williams observed that issues that had been covered by the Planning Commission are already settled and can not be discussed here. He requested that the public address the applicable design criteria when providing testimony, adding that this criterion provides the guidelines by which the Board must base their decision.

**JOELLA SCHROEDER**, 8400 SW 154<sup>th</sup> Avenue, Beaverton, OR 97007, expressed her support of the proposal and her opinion that it meets all applicable criteria.

**JANE ATHANASAKOS**, 8845 SW 155<sup>th</sup> Avenue, Beaverton, OR 97007, mentioned that she is a member of the Rezone Committee and has been involved in this entire process, adding that she believes that the applications meet all applicable criteria, including criteria a, b, d, g and h. She expressed her support of the project and urged the Board to approve both applications.

Chairman Williams observed that the Board is considering two separate proposals, requesting those who testify to clarify which proposal they are addressing.

**ALLEN SCHROEDER**, 8400 SW 154<sup>th</sup> Avenue, Beaverton, OR, 97007, observed that he is here in support of the Hagen proposal and will primarily address the store, although his comments also relate to the townhouse development. He addressed criteria a, g and h, noting that he has been involved in this process for over three years, adding that the applicant has made extraordinary efforts in two areas: 1) contacting residents to obtain input and concerns; and 2) incorporating the concerns and suggestions of the neighbors into their design. He expressed his opinion that they have done an outstanding job of incorporating the desires of the neighbors and in mitigating the effects of the development on the neighborhood, and urged approval of the proposal.

Chairman Williams requested that Mark Holady, Monica Holady and Mary Peterson, representing Neighbors for Livability (NFL), come forward to testify.

**MARK HOLADY**, 9000 SW 149<sup>th</sup> Avenue, Beaverton, OR 97007, representing the NFL, mentioned that his house abuts the proposed loading dock. And introduced Mary Peterson, Vice-President for the NFL.

**MARY PETERSON**, 9148 SW 149<sup>th</sup> Avenue, Beaverton, OR, 97007, testified on behalf of herself and the NFL. She stated that on January 25, 1999, the City Council had overruled the recommendation of denial by the Planning Commission of the applicant's petition to amend the City's Comprehensive Plan. Observing

that the Planning Commission's denial had been based upon the applicant's failure to successfully meet all applicable criteria. The City Council had further approved the application for a Comprehensive Plan Amendment, under certain conditions, including their intent that the property be developed in a manner that is consistent with the representations made by the applicant, specifically that the property be used as a retail grocery store site, and that design features minimize impacts on surrounding residential properties, particularly to the west. She referred to Section 3.5.7.3, which states that commercial activity should be directed into areas that could be developed harmoniously with the rest of the community. She referred to Section 3.5.8 policies and Section 6.3.5 policies, which states that commercial developments which abut residential zones or residential uses should be subject to special setbacks and screening provisions. She referred to Section 3.5.8.3 community service district policies, which states that special aesthetic and functional control should be developed for such uses locating next to residential districts. She referred to Criteria g, which states that the quality, location, size and aesthetic design of walls, fences, berms, traffic islands, median areas, hedges, screens, plantings and landscape areas are such that they serve their intended purpose and have no adverse effect on existing or contemplated abutting land uses.

Ms. Peterson stated that the applicant has proposed the location of the grocery store structure at its nearest point to within fifty-one feet of the adjacent property line to the west, adding that the majority of the homes abutting this property line contain back yards of less than fifty feet from the back of the house to their property line. This means that their homes will be located less than 100 feet from the back of the proposed structure. She referred to Section 3.4.2.1, which states that the primary focus of residential development should be towards maintaining or creating maximum livability and promoting quality living areas. She contended that the proposed 51-foot setback can not meet the intent of the policies, adding that the proposed covered loading dock, berming and landscaping, although extensive, can not totally alleviate traffic and equipment noises. She discussed the Planning Commission's approval of the applicant's seven applications, as well as conditions attached to these approvals.

**MONICA HOLADY**, 9000 SW 149<sup>th</sup> Avenue, Beaverton, OR 97007, representing herself and the NFL, stated that her comments pertain to BDR 2000-0004 Hagen Store at Sexton Mountain Village. She reiterated what Ms. Peterson had said regarding the setbacks, emphasizing that a structure of this magnitude can not be compatible with her neighborhood. Agreeing that it sounds great on paper, she stated that the proposed trees would not buffer the sound sufficiently. Observing that she is aware that the property will eventually be developed, she stressed that she would like to see this done properly and compatibly. She expressed concern with visual impact, specifically the reference that the effect of mitigation will be thoroughly screened development with the building "barely visible" from adjacent homes to the west. She referred to criteria d and g,

specifically environmental issues regarding existing vegetation along the west property line, which she believes has been inadequately addressed in the proposal.

At the request of Mr. Holady, Chairman Williams allowed him four additional minutes to conclude the presentation for the NFL.

Noting that he had distributed written materials summarizing his main concerns, Mr. Holady referred to BDR 2000 – 0004 -- Haggan Store at Sexton Mountain Village, specifically conditions that he feels must be imposed if the application is approved. He stated that the trees and existing vegetation within 100 feet of the western property line that overlooks his back yard must remain, and that the applicant needs to add additional screening, as currently proposed in this extended buffer. He urged the Board to condition the setback of the store 150 feet from the property line, with the understanding that the applicant may wish to utilize that space for parking or other purposes. He also urged a condition to provide for a six-foot high wall or fence at the easternmost part of berm for further noise reduction and to discourage people from climbing over the berm. He urged the Board to strike staff's condition of approval 4, dated June 8, 2000, replacing it with the condition that the berming and proposed landscaping be completed immediately following the final construction grading. This will guarantee that the landscaping is in place prior to completion and also helps to mitigate the visual and noise impact of the building during construction.

Mr. Holady suggested that an escrow account, in the amount of \$25,000, be maintained for not less than five years, noting that this can prevent a potential game of "round robin". He observed that new landscaping often suffers shock and does not survive. He urged the requirement of the enclosed loading dock, as a measure for noise mitigation. He referred to Section 3.4.3 – residential policies, which lists certain allowable commercial and non-residential uses, emphasizing that a retail grocery store is not listed. Observing that the NFL is not opposed to the modification of the Comprehensive Plan, he emphasized that adequate buffering is necessary.

On question, Ms. Peterson informed Mr. Straus that she was a resident of the area during the previous proposal and application for this particular site, adding that although there are some similarities between the two projects, particularly with mitigation issues, she had opposed the incompatibility of the proposed structure at that time.

Mr. Straus stated that he is having a difficult time determining what Ms. Peterson feels is compatible, adding that she only discusses what she considers not compatible.

Ms. Peterson stated that she would prefer additional setbacks, informing Mr. Straus that this addresses criteria g, providing additional space and mitigates noise

from the delivery trucks, emphasizing that the trucks have to enter and leave the enclosed structure.

Mr. Straus mentioned that the applicant is proposing acoustic dampening for the rooftop screening, over and above what is normally required.

Ms. Peterson stated that she is aware of this proposal.

Mr. Straus questioned how she arrives at the conclusion that this proposal would not provide an acceptable solution to the noise issue.

Ms. Peterson observed that some of the testimony provided at the Planning Commission hearing had based some of the noise studies on the Tanasbourne area, emphasizing that unlike this proposal, the Tanasbourne area is not adjacent to a residential area. She added that the applicant had also indicated little difference between the daytime and nighttime noise levels. On question, she informed Mr. Straus that she is aware that the City of Beaverton has a noise ordinance that establishes what is considered to be a nuisance level of noise.

Mr. Straus discussed the nuisance level of sound as the basis for approval criteria as a condition, noting that this level is 55 decibels at the property line and questioned whether this would be acceptable.

Ms. Stewart pointed out that she does not know what 55 decibels sounds like, adding that she assumes that the City Council is familiar with this concept and that she would have to accept their decision.

Mr. Straus questioned whether additional mitigation for visual screening might be acceptable, and Ms. Stewart indicated that she would like an example of what this would involve.

Mr. Straus described some sort of additional visual screening that would provide the equivalent of an additional setback benefit, questioning whether this would be acceptable.

Mr. Holady stated that this depends upon certain conditions, noting that because the property slopes, some of the houses are above and some are below the proposed store.

Mr. Straus pointed out that if a single-family residence were built with the same materials and under the same conditions, there would not be an issue. He questioned why a store is more unacceptable than an equivalent residence.

Mr. Holady expressed his opinion that the visual aspect is fine, adding that the Board needs to pay particular attention to the design criteria or from the operation of the store, resulting in cars entering and leaving and noise. He pointed out that

there have been no strong objections to the townhomes, adding that if Mr. Gast had proposed a development of townhouses in his back yard, he doubts if he would be addressing this issue at this time.

Ms. Cannon referred to various submittals of Mr. Holady, clarifying that she looks at the entire criteria. She expressed her opinion that he had misinterpreted criteria that states, as follows: "certain commercial and other non-residential uses such as, but not limited to..." She emphasized that although grocery stores are not listed, the criteria does state "but not limited to", which does indicate the potential for circumstances where another use might be considered.

Mr. Holady stated that he understands this.

Ms. Cannon mentioned that Mr. Holady had provided his residential address, questioning whether he operates his business from his home.

Mr. Holady advised Ms. Cannon that he operates his law offices from his home.

**TREVOR SMITH**, 15015 SW Telluride Terrace, Beaverton, OR 97007, observed that his testimony relates to the proposed Haggen Store and presented a video of a Bruce Springsteen video depicting the effect of pile driving upon an area. Observing that he is a Professor of Civil and Geo-Technical Engineering at Portland State University, he stated that he has both a professional and personal interest in these proposals. He referred to the proposed site of the former Cobb Rock Quarry, which he referred to as a unique and challenging site, adding that he has invited his students to attend this presentation to compliment their academic education. He offered comments on two aspects regarding the geo-technical design issues that concern the neighbors, and referred to Comprehensive Plan criteria 2, 4 and 8, and BDR criteria b. He discussed the deep foundation portion of the proposal, noting that his 17 years of professional experience has been focussed mainly in the deep pile foundation sub-specialty, which includes both driven piles and drilled shafts. He expressed his concern with the significant amount of driven pile foundations over approximately one quarter to one third of the footprint of the proposed Haggen Store, through fill and down to competent rock. He mentioned several concerns that may affect the neighborhood, and at this time, showed his video illustrating the pile driving technique and the damages that can be caused to nearby structures. He described the noise, indicating that it will likely bounce off of Cooper Mountain and Sexton Mountain and be heard throughout Southwest Beaverton. He suggested a method to mitigate these effects, by the use of drill shafts, which is equally cost effective and eliminates noise and risk to structures. He discussed the appropriate safeguards against natural hazards, such as earthquake, specifically the performance of the non-engineered variable landfill materials in the quarry under seismic earthquake conditions. Observing that insufficient knowledge is available regarding the earthquake performance of landfills, he expressed his concern for potential

problems, noting that with high impact feature of pile driving within the project, the site is challenging enough.

**ELISE SMITH**, 15015 SW Telluride Terrace, Beaverton, OR 97007, expressed her concerns with criteria a, e, f and g. She mentioned the concern of the neighbors with the geo-environmental issues, expressing her concern that these same issues had caused the developer to file bankruptcy at the Beaverton Round. She emphasized the unknown levels of organics and combustible gas hazard in certain site areas, as referenced in the February 15, 2000 Geo Design report. She mentioned that in 1995, Agra had performed test pits that indicated varying amounts of organics, four of which are located in the proposed parking area and included combustible gas indicator tests. In 1997, Agra conducted additional borings and test pits, which also showed considerable organics. According to the Agra report submitted by Geo Design, no combustible tests were carried out at these locations. Geo Design has failed to include these test pits on their 1999 site plan. The only CGI tests were performed in 1995, and in the 2000 Summary Report, Geo Design referenced the 1997 tests indicating considerable organics, but used the CGI readings from the 1995 tests to draw their conclusions concerning the concentrations of combustible gas. She observed that with the information submitted to the City and made available to the neighbors, Geo Design could not know the concentration of combustible gas at these 1997 locations. She emphasized her concern with these very important omissions and/or oversights. She commented on the organic vapor analyzer test conducted by Braun Intertec in 1992 and referenced in the February 15, 2000 report, which have not been made available to the public. She pointed out that on February 15, 2000, Geo Design had recommended geo-environmental tests for sub-surface soils, adding that these tests have not been completed nor required by the City of Beaverton.

Ms. Smith discussed her second concern, which is also geo-environmental in nature, emphasizing that one of the implications of the Agra 1997 boring test is a very high penetration resistance. She commented that this test had been terminated by City before it had reached its planned depth, implying that excavation and/or preparation such as the pile driving as described by Geo Design will require very heavy and noisy site work, leading to damage to neighboring residential structures. She pointed out that this is not a green fill, but rather a brown fill site, reminding the Board that it is a former quarry and an unregulated landfill with unique geo-environmental problems. All available techniques should be utilized to safeguard present and future residents. She expressed her opinion that the presence of considerable organics raises unacceptable risks, emphasizing that organics create methane gas, which at considerable levels, result in explosions. Low levels harm vegetation and could affect resident's health. She urged that prior to approval of the application, the Board require the applicant to finance the necessary geo-environmental test and analysis of the site, as recommended by Geo Design. She requested that all the references site tests be made readily available to the public, and that all test sites be indicated on the site

plan. She suggested that the applicant should be required to create an escrow account in an amount required to adequately repair any damage to residential structures caused by the construction. She urged that the City of Beaverton require the applicant to provide temporary housing for families during the entire period of time when the pile driving and other heavy site work is being conducted. She emphasized that the City of Beaverton should not accept the argument that if these proposals are not approved, the City and neighborhood are missing the final and best opportunity to develop this land, adding that we do not live in Pottersville.

**MARVIN DOTY**, 7350 SW Wilson Avenue, Beaverton, OR 97008, mentioned that as a resident of Beaverton for 31 years, he represents himself and his daughter, Christy Doty Mullins, who resides at 9022 SW 149<sup>th</sup> Street, Beaverton, OR 97007. He referred to the proposed location of the store, expressing his opinion that this store is proposed in the wrong location and that too many variances are required to meet the applicable criteria and the policies of the Comprehensive Plan. Observing that he has no intention of repeating statements that are already in the record, he suggested the existence of another option for the location of the store. He noted that he has inspected, walked and researched the condition of the site, and although he has done no test drilling, he is very familiar with the situation. Suggesting that the store be relocated to another site within the property, he provided a rendition exhibit he had prepared of his proposal. Observing that he has no fancy video or other equipment and apologizing for his lack of professionalism, he illustrated how he had turned the store around 90 degrees, relocating it on the north end of the site. He pointed out that this portion of the site is very solid and will not necessitate driving piles, as in the proposed location, and that there will also be no changes in the housing project. He expressed his opinion that Polygon has done a great job in their proposal for the housing project, adding that he has a great deal of confidence in the credibility of Alpha Engineering. He emphasized that the store does not belong in the proposed location, expressing that it would be very easy to relocate the store without major changes, recommending consideration of the option he presented.

Ms. Crane mentioned that she had understood that one of the reasons the store had been positioned that way has to do with the slop, and questioned how Mr. Doty proposes to deal with the issue of the slope in accordance with the parking lot.

Mr. Doty clarified that he had investigated the grades between the level of where the store and parking lot are proposed, adding that the levels in actual elevation is not that far from where the store was planned and where the parking lot was planned. He expressed his opinion that this would be a major saving in cost to the developers, adding that it may not necessitate the canopy in its present location. He discussed the grading issue, noting that it may necessitate moving 100 thousand yards of material to make the property level for the store and parking lot. He observed that his suggestion does have merit, requesting that the developers take his idea into consideration.



Mr. Straus observed that some previous testimony had raised concern with the proximity of the building to the west property line relative to noise and light and other issues. He questioned how the presence of a parking lot and associated noises would be less obtrusive than that of the proposed store.

Mr. Doty clarified that the difference to him is due to the diesel trucks arriving in the area for delivery purposes, adding that even with the enclosure, the trucks will still enter and exit the site.

Mr. Straus requested clarification that Mr. Doty would prefer to hear 300 or more cars turning in and out of the parking lot on an hourly basis for fifteen hours a day over an occasional delivery during a defined period of time, as well as limited lighting to illuminate their access route.

Mr. Doty referred to the Staff Report and the report prepared by the developer, stating that he does not anticipate any problem with moving the lighting over to that area, adding that cars will not make as much noise as trucks will.

Ms. Cannon questioned whether Mr. Doty had presented his plan at any of the neighborhood meetings.

Mr. Doty stated that he represents himself and his daughter, adding that he did not submit his plan at any of the neighborhood meetings. He mentioned that he had attended several of the meetings, emphasizing that it is obvious that the store is proposed in the wrong location and that other options should be considered. He emphasized the extent of disruption caused by pile driving.

Ms. Cannon clarified that she would like to know whether Mr. Doty had presented his concerns and option to the developer prior to his presentation tonight.

Mr. Doty informed Ms. Cannon that he had prepared this presentation specifically for the Board of Design Review, expressing his opinion that they are the ones who review the design criteria of a development.

Chairman Williams called **RUTHIE WOOD** and **JEFF WOOD**, 8900 SW 149<sup>th</sup> Place, Beaverton, OR 97007, to testify. There was no response.

**CHARLES COOK**, 14980 SW Telluride Court, Beaverton, OR 97007, read a statement on behalf of **BOB BEARD**, 14900 SW Ruby Street, Beaverton, OR 97007, who is currently traveling and not available to testify, adding that he has some comments of his own to add at the end of Mr. Beard's statement. He read Mr. Beard's statement, which included his scholastic and employment related credentials and expressed concern with the placement of the store and resulting noise pollution during both the construction and the operation of the store. He provided an option that he believed to be the only viable means for addressing this

design flaw. He pointed out that sound has two characteristics – intensity and frequency. He noted that intensity is a measure of the loudness of sound and is measured in decibels, adding that there is a wide range of sound intensity ranging from zero to 120 decibels, which is a trillion times louder than zero. A quiet home is about 40 decibels and a quiet street is about 50 decibels. A diesel truck at fifty feet is 100 thousand times louder than a quiet street. He described intensity as the relationship between sound intensity and psychological damage, adding that the louder and more intense the sound, the more rapid the change. Despite its short duration, a rifle shot can inflict significant lasting damage. A diesel truck at 100 decibels can cause damage to the ears in fifteen minutes. Although thousands of diesel trucks are in Portland each day, they are rarely found as a fixture of a neighborhood idling behind residential homes. He described the second characteristic of sound, which is frequency, which is a measure of wavelength, represented by hertz. Sound frequency also affects how far the sound can travel, which means that a low frequency sound can travel further than a significantly higher sound. Diesel trucks generate significant amounts of sound at low frequency, ranging from 20 to 150 hertz. He emphasized that the sound of a diesel truck is notoriously difficult to mitigate and the sound easily travels for long distances. He proposed the following stipulations:

- 1) Affirm the Planning Commission's decision that hours of operation for the proposed grocery be limited from 6:00 a.m. to 12:00 Midnight;
- 2) Affirm the Planning Commission's decision that the store loading dock be covered, using acoustical techniques that would limit incremental noise;
- 3) Require that one diesel truck be allowed on the site at one time, unless the covered loading dock is large enough to accommodate all trucks waiting to load or unload;
- 4) Require that, as per neighborhood custom, no trucks or other noise-generating machinery of any kind be operated before 9:00 a.m. on Saturday and Sunday;
- 5) Require that Haggen fund a third party enforcement mechanism with an Oversight Board that includes residents from the surrounding neighborhoods, including, but not limited to the 149<sup>th</sup> Avenue/Maverick Terrace areas; and
- 6) Require that Haggen locate the store adjacent to Murray Boulevard with the parking lot immediately north or south of the lot and significantly buffered to the west.

He emphasized that the role of the Board of Design Review is to review the applicant's plan, adding that criteria does not include economic issues.

Mr. Cook referred to Ms. Cannon's question regarding whether the applicant had been approached with the option of relocating the store to the northeastern corner of the property. He mentioned that he had personally attended at least three

meetings in which this had been brought up, adding that each time the applicant had indicated that this option would not be considered.

Observing that he is aware that Mr. Beard, rather than Mr. Cook, is the author of this letter, Mr. Straus stated that he assumes that the 100 decibel level of a diesel truck is measured at the source.

Mr. Cook advised him that this measurement is from a distance of thirty or fifty feet.

Mr. Straus pointed out that if the decibel level is in violation of the noise ordinance and complaints are received from the neighbors, Haggen Store would be obligated to discontinue utilization of these vehicles.

Mr. Cook responded that the City has a tendency not to enforce these codes, which are not taken as seriously as other issues, such as criminal issues.

Mr. Straus stated that he would not disagree, and questioned whether Mr. Cook would accept mitigation that would reduce the sound level to an acceptable level.

Mr. Cook expressed his opinion that the magnitude of a 61,000 square foot building belongs more out on the highway. He observed that Thriftway and Safeway are both located out on Murray Boulevard, and questioned why this particular store needs to be brought right into the neighborhood.

Mr. Straus observed that the Board had reviewed the Fred Meyer Store located on 158<sup>th</sup> Avenue and Walker Road, which is adjacent to a residential neighborhood.

Mr. Cook pointed out that this residential neighborhood by the Fred Meyer Store consists of apartments that were built in conjunction with the Fred Meyer Store.

Mr. Straus emphasized that these apartments are still residences and that apartment dwellers are not less worthy of consideration.

Mr. Cook stated that all of the development, both the store and the apartments, had been involved within the same plan.

Mr. Straus advised Mr. Cook that the store and the apartments were each separate developments, adding that there is a certain precedent for grocery stores abutting residential neighborhoods throughout the City of Beaverton. He mentioned that although he is not saying there are no issues, he is not aware of any public testimony supporting any significant problems associated with this.

**SUSAN COOK**, 14980 SW Telluride Court, Beaverton, OR 97007, addressed criteria a, b, c, e and f, observing that she is aware that the City Council has made some recommendations predetermining some issues. She urged the Board to

consider the fact that under the CPA testimony, it would not be possible to consider a grocery store or town homes, only a zone swap. She mentioned concerns expressed by the Fire Department, requesting that the Board be certain that these conditions are satisfied and in effect. She requested that Tri-Met suggestions promoting mass transit be addressed. She expressed concern with lighting issues, and the need to minimize impact on adjacent residents by relocating the store away from the residents, backing up to Maverick Terrace. She requested clarification of whether the FEMA report had been submitted, as requested. She referred to page 11 of the Staff Report, expressing concern with geo-technical concerns, and emphasized the importance of items 1 through 46. She expressed concern with the heavy construction methods necessary for this project, expressing her opinion that the application should be denied because there are too many questions and issues that have not been addressed. On question, she repeated her address for Ms. Cannon, adding that her property is located on Telluride Court, up off of Gearhardt.

Ms. Cannon referred to Ms. Cook's recommendation for a bus shelter, observing that she has personally done a lot of grocery shopping and has never taken groceries home on a bus,

Ms. Cook pointed out that the site also includes a pharmacy and a restaurant, and with a retirement center nearby, she felt that mass transit might be feasible. On question, she informed Ms. Cannon that she had not researched this issue with Tri-Met. She submitted some pictures at this time.

**MAURA MALONE**, 14900 SW Ruby Street, Beaverton, OR 97007, distributed copies of a document she had prepared. She addressed criteria a and g, expressing her concern with geo-environmental construction and mitigation. She referred to a letter from Steve Fortuna of the DEQ, stating that the site assessment considers it to be environmentally vulnerable. She requested that the Board delay any decision until the result of DEQ's inquiry has been received. She discussed the possibility of pile driving on the site, suggesting that residents should be temporarily relocated at the expense of the developer. Observing that anything over 60 decibels is damaging to children's ears, she pointed out that pile driving will exceed this 60 decibels, adding that the equipment operators utilize sound gear to mask the noise.

Ms. Malone discussed mitigation on the covered loading dock, suggesting that the Board require that the developer install a gate or lever to prevent trucks from stacking up when the covered loading dock is in use. She pointed out that this is necessary so that the fumes and noise generated by the idling trucks does not penetrate the surrounding neighborhoods. She addressed the issue of compatibility, pointing out that Nancy Hall and her husband had testified about complaints resulting from the noise and problems associated with the Fred Meyer Store located in their NE Portland neighborhood. She pointed out that this testimony eloquently demonstrates the strain of living next to a commercial

building of this size and stature, She mentioned that most grocery stores within the City of Beaverton do not abut single family residences, adding that generally transitional housing (apartments and town homes) alleviates this situation.

**PAT RUSSELL**, 16308 SW Estuary Drive, 208, Beaverton, OR 97006, observed that he lives in the King's Court Apartments located by the Fred Meyer Store at Walker Road and 158<sup>th</sup> Avenue. He mentioned that every Saturday morning he does hear the parking lot sweeper about a quarter of a mile away, adding that it does not bother him because he is in a quiet neighborhood. He expressed his opinion that historically, Mr. Doty's comments should be seriously considered, but because the stakes are so high, the neighborhood does stand to lose. He noted that with a preliminary review process, the opportunity of relocating the building might have merited discussion. Observing that during the '70's, Beaverton was referred to as the Pizza City of the Northwest, he mentioned that the Board had been attempting to be respectful of development interest while also trying to encourage good development. Noting that this had been done by that two-step process, he stated that he has been informed that this particular process is illegal today. He expressed his opinion that it is a shame that the neighborhood doesn't have valid input because stakes are too high to allow for design alternatives.

**FLOYD HARRINGTON**, 15607 SW Hearth Court, Beaverton, OR 97007, testified in support of the applications, particularly the Haggen Store. Referring to comments indicating that stores should not be located right next to residential areas, he expressed his opinion that this will occur more and more as we attempt to bring business closer to the people, which may eliminate some traffic. He referred to the location of store, which is a factor of mitigation that has been brought up by the neighbors, some of whom have indicated that they do not want a big box development in their neighborhood. He expressed his opinion that the applicant has proposed a development that is attractive and fits in, adding that the proposed location in front of Sexton Mountain will actually make the store appear smaller than it actually is. He pointed out that the majority of the store's foundation would most likely be on undisturbed soil, although some areas will likely require some deeper foundations. He discussed the applicant's efforts at mitigating all of the concerns of the neighbors, urging the Board to approve both applications.

**JIM ANDERSON**, 9196 SW 149<sup>th</sup> Avenue, Beaverton, OR 97007, observed that he has resided in this home for 27 years and been involved with this project for four years. As a member of the Rezone Committee, he addressed criteria a, b and g and expressed his opinion that the project meets the needs of the immediate neighbors and request approval of both applications.

The public portion of the Public Hearing was closed.

9:52 p.m. – 10:02 p.m. – break.

**APPLICANT REBUTTAL:**

Mr. Gordon mentioned that the applicant has singled out several specific issues that they feel are appropriate to address at this time.

**ERIC HANSON**, 19203 – 36<sup>th</sup> Avenue West, Suite 101, Lynnwood, WA 98036, representing MFG, Inc., formerly known as McCauley, Frick & Gilman, acoustic consultants for the project, mentioned that the applicant had recognized early in the project that noise would be an issue. Observing that he had measured noise levels generated by numerous trucks, he pointed out that he had never measured a truck that generated noise levels that reached 100 decibels. He mentioned that they had determined that the applicant could easily achieve a level of 40 decibels with a berm at the back of the store, adding that this is 10 decibels less than the nighttime standard of 50 decibels. He emphasized that the applicant had gone further and had him evaluate the feasibility of an enclosed loading dock, which he had determined brings the decibel level down to the mid-thirties.

Mr. Straus referred to the issue about trucks idling outside the enclosure, observing that there is no indication of the number of trucks that can be located within the enclosure. He pointed out that it is obvious that from the street to the enclosure, the noise generated from the trucks will only be mitigated by distance.

Mr. Hanson observed that the store site itself includes considerable terrain, which will also provide some mitigation of the noise generated by the trucks.

Mr. Straus questioned whether the enclosure has the capacity to contain all trucks that will be present at any given time.

Mr. Hanson referred to the greatest number of trucks recorded in a one-hour period of time at the Tanasbourne store, which included four semis and five medium trucks. He mentioned that the enclosure runs the entire length of the back of the store and that several of these can fit in the delivery bays themselves, adding that he feels that it is feasible that there would be adequate space for all of the vehicles that will be present at any given time.

Mr. Straus expressed his opinion that it would be appropriate to impose a condition that Haggen can not bring more trucks on site than can be parked in the enclosure at any given time.

Mr. Gordon stated that he does not anticipate that this would create any problem, although this may not always be under the control of the Haggen Store. He mentioned the possibility of some delivery trucks showing up early.

Mr. Hanson suggested a compromise, providing that trucks outside of the truck enclosure turn off their engines, adding that the engines should be off while in the enclosure as well.

**SCOTT MILLS**, 17400 SW Upper Boones Ferry Road, Suite 230, Portland, OR, 97224, the geo-technical engineer representing Geo Design, of which he serves as President and Principal, addressed concerns with the pile driving and the noise. He mentioned that pile driving is only one of the options for supporting that particular quarter of the building, adding that he anticipates that this particular process should only take a couple of days. He mentioned the environmental issue that had been brought up, observing that over 100 explorations had been done. He pointed out that both soil and ground water analysis for potential contaminants had been conducted and no significant environmental issues were identified. He referred to the letter from Steve Fortuna, noting that Mr. Fortuna had advised him that this had been a response to numerous recent telephone calls from several individuals. Noting that he had agreed to forward all environmental reports, he stated that Mr. Fortuna had indicated that this should satisfy their concerns.

Mr. Gordon requested that Mr. Mills clarify the depth of solid rock on the site.

Mr. Mills reported that about  $\frac{3}{4}$  of the building would be on solid rock, adding that one portion, at the southeast corner, includes some fill, approximately fifteen to twenty feet deep.

Mr. Straus referred to a previous application for a development of apartments on this site, noting that there had been some concern expressed that the site included some sort of bottomless pit of gravel and soils, refilled from the quarry operation, located in the northeast corner of the site. He questioned whether the applicant is aware of this situation, emphasizing that the indication had been that there was no certainty as to where one would actually hit solid sub-grade.

Mr. Mills noted that he assumes that he is referring to the area underneath the proposed parking lot, adding that the depth of the fill area is about 70 feet, which certainly does not constitute a bottomless pit.

Mr. Gordon clarified that the apartment application was not proposed on this particular site, but involved the property immediately to the north of this site, on the northern half of the former rock quarry, which is deeper.

Mr. Straus referred to the suggestion of relocating the grocery store to northeast corner, and questioned why the proposal is more appropriate or desirable from a geo-technical point of view.

Mr. Gordon clarified that it would be very expensive to locate the store at this suggested site, primarily because of the fills and other large concrete and debris in that area.

Mr. Straus advised Mr. Gordon that the Board is not in position to consider cost along with other criteria in an application, and questioned the feasibility of this suggestion without considering the cost issue.

Mr. Gordon informed Mr. Straus that installing the foundations would create a great deal more noise at the suggested site than at the site originally proposed by the developer.

Mr. Gordon addressed the remaining issues, specifically:

- The store location, observing that there are geo-technical reasons why it would be more difficult to locate the store at the suggested site. He referred to Mr. Doty's suggestion that it would be easier to locate a store there based upon the geo-technical situation, emphasizing that the situation is exactly the opposite of Mr. Doty's assessment. He emphasized that this is not simply a cost issue and that this other location had been considered, he pointed out that the developer has provided documentation clarifying this situation; and
- A Tri-Met bus shelter, observing that Tri Met had indicated that they had reviewed the situation and it does not meet their criteria for the installation of a shelter. He added that if the situation changes and the site meets their criteria, a shelter could be added at a later date.

Chairman Williams thanked the applicant's team for their presentation.

Mr. Osterberg distributed copies of the staff response to the request for the left-turn lane on Beard Road, adding that this is a recommended condition of approval and that it involves both applications. He provided additional comments and clarification regarding leaf blowers, street sweepers and other mechanized equipment that might be utilized at the store site, pointing out that this has been addressed by the Planning Commission in their approval of the Conditional Use Permit for Sexton Mountain Planned Unit Development. He mentioned that Condition 8 states that no mechanized street sweeping, parking lot sweeping equipment or leaf blowers, or any combination of these, shall be operated on the grocery store site between the hours of 10:00 p.m. and 7:00 a.m.

Mr. Osterberg referred to the issue relating to economic factors, specifically a statement indicating that the applicant has stated that it is too expensive to perform certain mitigating measures. He emphasized that nowhere in the record is there any statement of this nature referencing the expense or the cost of the development by the applicant. He referred to concerns regarding code enforcement, specifically a statement that the City of Beaverton is too busy enforcing crime issues. He emphasized that code enforcement is not connected to the police department and that the code enforcement officer is not concerned with fighting crime and is able to focus entirely on code enforcement issues.

Mr. Osterberg discussed geo-technical concerns, he mentioned that the Facilities Review Conditions b.1 and g.9 do address the geo-technical issues, although it



may not include all of the detail that some individuals may find necessary. He emphasized that such issues have not been forgotten by staff, adding that they are addressed. He mentioned that construction techniques are not part of the criteria of design review, adding that this particular criteria is reviewed by the City Building Official and must conform to all applicable standards. He mentioned that construction noise and hours could be addressed, adding that although he is not familiar with the information at this time, this is regulated by the City of Beaverton.

Mr. Osterberg expressed his agreement with Ms. Cook, adding that it is premature to underestimate the number of individuals who might desire to utilize public transit to the site, although it would not likely be for transporting large amounts of groceries. He pointed out that employees and individuals purchasing small amounts of groceries are likely to utilize public transit.

Mr. Osterberg referred to Ms. Cook's request for a FEMA Report, observing that the City of Beaverton is not waiting for a FEMA Report at this time. He referred to Facilities Review Condition b.45, which states that the applicant should do more than rely on simple FEMA maps and information, adding that the applicant had been obligated to fulfill much more rigorous requirements than a FEMA map.

Chairman Williams expressed his appreciation to staff for comments.

Mr. Straus **MOVED** and Mr. Beighley **SECONDED** a motion for the approval of BDR 2000-0004 – Sexton Mountain Village – Haggen Store Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated June 8, 2000, including Conditions of Approval Nos. 1 through 20, with an additional condition, as follows:

21. The sidewalk along the north side of Beard Road between SW 149<sup>th</sup> Avenue and the proposed internal loop public street shall be constructed curb-tight to a width of six feet.

Ms. Cannon referred to the recommendation from the Planning Commission concerning signs in the townhomes.

Chairman Williams advised Ms. Cannon that this issue applies to the next application.

Mr. Straus observed that the Board does not need to address this issue, adding that these conditions are addressed through Facilities Review Conditions imposed by Tualatin Valley Fire and Rescue (TVF&R).

Mr. Osterberg advised Mr. Straus that TVF&R comments are recommendations or comments, but not actual conditions.

Chairman Williams expressed his opinion that this recommendation should be included among the conditions of approval.

Mr. Osterberg suggested that the condition of approval should state that those signs should be placed in accordance with City standards prior to issuance of a site development permit.

Mr. Straus stated that the Facilities Review conditions are incorporated by reference as a Board of Design Review condition, emphasizing that the communication from TVF&R states that this *shall* be done. He expressed his opinion that there is no question that these conditions must be applied, stressing that this letter is a part of the Facilities Review conditions and is very specific on this issue.

Mr. Osterberg expressed his agreement with Mr. Straus, noting that this is a technical issue and in the interest of clearing up any confusion and satisfying the Planning Commission, he suggested that the Board of Design Review adopt this particular condition of approval.

Mr. Straus **MOVED** that the motion be amended to include an additional condition of approval, as follows:

22. The requirements of Tualatin Valley Fire and Rescue for signing and striping as stated in their letter attached to Facilities Review notes shall be incorporated as a requirement by this condition.

Mr. Beighley **SECONDED** the motion to amend the motion to approve BDR 2000-0004 – Sexton Mountain Village – Haggen Store Type 3 Design Review to include Condition of Approval No. 22.

Motion, as amended, **CARRIED**, unanimously.

Mr. Straus **MOVED** and Ms. Cannon **SECONDED** a motion for the approval of BDR 2000-0005 – Sexton Mountain Village – Sexton Place Townhomes Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated June 8, 2000, including Conditions of Approval Nos. 1 through 20, with an additional conditions, as follows:

21. The sidewalk along the north side of Beard Road between SW 149<sup>th</sup> Avenue and the proposed internal loop public street shall be constructed curb-type to a width of six feet.
22. The requirements of Tualatin Valley Fire and Rescue as stated in their letter attached to Facilities Review notes shall be incorporated as a requirement under this condition.

Motion **CARRIED** unanimously.

**APPROVAL OF MINUTES:**

The minutes of April 13, 2000, as written, were submitted. Chairman Williams asked if there were any changes or corrections. Chairman Williams referred to paragraph 1 of page 23, requesting the deletion of the following sentence: ~~“Chairman Williams mentioned that the structural engineers he works with laugh at him when he discusses this particular issue.”~~. Mr. Beighley **MOVED** and Mr. Straus **SECONDED** a motion that the minutes be adopted, as written and amended.

The question was called and the motion **CARRIED** unanimously, with the exception of Ms. Crane and Ms. Cannon who abstained from voting on this issue.

The minutes of May 11, 2000, as written, were submitted. Chairman Williams asked if there were any changes or corrections. Mr. Beighley **MOVED** and Ms. Crane **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously, with the exception of Chairman Williams, who abstained from voting on this issue.

**MISCELLANEOUS BUSINESS:**

The meeting adjourned at 10:44 p.m.